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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/651,988 | 08/30/2000 | Michio Kusayanagi | FUJ 17.433 | 2401 |
| 26304 7590 09/12/2007 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585 | | | EXAMINER WONG, BLANCHE | |
| | | | ART UNIT 2616 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/651,988

Applicant(s)

KUSAYANAGI ET AL.

Examiner

Blanche Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,5 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,5,7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "network management operation device" (claim 9) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Objections

2. Claims 2,3,5,7-14 are objected to because of the following informalities:

With regards to claims 2,3,5,7-14, Examiner suggests using abbreviations for permanent virtual connection and switched virtual connections, and replacing "specified connection destinations" with "network service providers" as shown in Fig. 6.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 2,3,5,7-14** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 2, it is unclear which "said permanent virtual connection path of layer 1 connection between said network-side device and the user-side device" in lines 3-4 because there is only one PVC in the preamble/line 3 of claim 7.

With regard to claim 7, it is unclear from "a user-side device" in lines 2-3 whether there is more than one user-side device.

With regard to claim 7, it is unclear whether it is the user-side device(s) that is connected to a specified connection destination via one of PVCs or SVCs, or the network-side device that is connected to a specified connection destination via one of PVCs or SVCs.

With regard to claim 7, it is unclear whether "layer 2 link information emitted from the user-side device at the time of a layer 2 link connection request" in lines 13-14 is the same "layer 2 link information emitted from the user-side device at the time of a layer 2 link connection request" in lines 8-9.

With regard to claim 7, it is unclear what is meant by "assigns a label of each layer 2 link of said connection request to a layer 2 packet" in line 15, or it simply means "assigns a label to layer 2 packet according to said connection request".

With regard to claim 7, it is unclear what is "the path" in line 17.

With regard to claims 10-12, it is unclear whether it is the path connection means or the labeling means that is assigning the labels.

With regard to claim 13, it is unclear whether "layer 2 link information emitted from the user-side device at the time of a layer 2 link connection request" in lines 3-4 is

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the same "layer 2 link information emitted from the user-side device at the time of a layer 2 link connection request" in claim 7, lines 8-9.

5. There is insufficient antecedent basis for this limitation in the claim.

Claim 7, line 12, "the one specified path of the connection request destination".

Claim 14, line 2, "processing that specifies one path"

6. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: between "a setting means that ... connects a path between the user-side device and the specified connection destination" in lines 3-5 and the path connection means in claim 7, line 10.

7. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: between "said path connection means ... transfers the layer 2 packets to the path to the specified connection destination that corresponds to given labels..." in lines 4-5 and "said path connection means further includes a transfer means that transfers a layer 2 packet labeled by said labeling means to the path to said specified connection destination ..." in claim 7, in lines 16-17.

8. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission

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amounting to a gap between the necessary structural connections. See MPEP

§ 2172.01. The omitted structural cooperative relationships are: among “said path connection means includes a labeling means” in lines 13-16, “said labeling means includes a selecting means ...” in lines 18-19, “said path connection means handles the link of the labeled layer 2 packet ...” in lines 20-23, “said labeling means includes an assigning means ... and handles the link of the labeled layer 2 packet ...” in lines 24-29.

9. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP

§ 2172.01. The omitted structural cooperative relationships are: between “said labeling means, when it newly assigns a label to a layer 2 link, determines the label number by doing a negotiation mutually with another device side” in lines 2-3 and “a selecting means that, when a label is newly assigned to a layer 2 link, selects an arbitrary available label number” in claim 1, lines 18-19.

10. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP

§ 2172.01. The omitted structural cooperative relationships are: between “said labeling means, when it newly assigns a label to a layer 2 link, assigns a label with a label number directed by operation of a network management operation device” in lines 2-3 and “a selecting means that, when a label is newly assigned to a layer 2 link, selects an arbitrary available label number” in claim 1, lines 18-19.

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Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BW

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August 31, 2007

EDAN D. ORGAD
SUPERVISORY PATENT EXAMINER

Edan Orgad 9/4/07